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| EXAMINER | |
|---|---|
| POLTORAK, PIOTR | |
| **ART UNIT** | **PAPER NUMBER** |
| 2134 | |

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/823,876 | THOONE ET AL. | |
| | Examiner | Art Unit | |
| | Peter Poltorak | 2134 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *30 March 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/10/2001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

1. Claims 1-21 and 23-45 have been examined.

### *Priority*

2. Foreign priority has been claimed in this application.

3. Acknowledgment is made of applicant's claim for foreign priority based on an application EP 00 1068105 filed in on 3/30/2000.

### *Abstract*

4. The abstract of the disclosure is objected to because *"the device identifier ID" (line 10)* lacks antecedent basis.

5. Correction is required. See MPEP § 608.01(b).

### *Claim Objections*

6. A letter "c" seems to be missing in claim 6 line 2 *("...identifier can be described...")*.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 27 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

8. As per claim 27 the specification provides no guidance in teaching how a new device identifier is stored in a nonvolatile read-only memory of the computer system. Read-only memory is by definition only for reading and neither claims nor specification offer clarification how the new device identifier is written *(stored)* into the memory.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 12-13, 24-38 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention.
10. "The calculated identifier" in claim 24 is not clear and it is treated as "the generated identifier".
11. Claim 27 recites: "the changed identifier is stored in a nonvolatile read-only memory of the computer system." As discussed above *(35 U.S.C. 112 §1)* the claim is not understood since it is not clear how data is written into the read-only memory. While addressing this issue the specification omits the term "read-only" *(pg. 13 lines 23-25)* and similarly the examiner interprets the claim as thought the term "read-only" was irrelevant.
12. The term "enable" in the phrase "the file which is to be enabled" in claim 24 is not understood and is treated as the term referring to access to the file. The term "enable" in claim 25 is similarly treated.
13. The term "newly enabled" in claim 27 is not understood.

14. The phrase "a hierarchical file structure is involved" in claim 28 is not understood. The phrase is treated as the method includes a hierarchical file structure.

15. The term "it" in claim 34 is not understood. The phrase is treated as the vector (ID)

16. The term "allocated" in claims 31 and 42 is not clear. Claim refers to files having vectors *AC(x) (associated identifiers)* identifying *m* components of each file and characterizing a position of each file in a file structure. Claim recites that all the components of a particular vector *(allocated to a particular file)* are allocated to files on which the particular file depends are take one value and allocated to files on which the particular file does not depend take another. For purposes of further examination the term "allocated" is treated as "correlate".

17. In claims 12-13, 24-25, 29, 31, 33-34, 36-38 and 42 the following lack antecedent basis:

- claim 12, 13: "the device identifier",
- claim 24: "the computer system", "the second scrambled code" and "the calculated identifier",
- claim 25: "the device identifier", "the changed identifier",
- claim 29: "the access authorization identifier",
- claim 31: "the position", "the hierarchical file structure" and "the vector",
- claim 33: "the device identifier (ID)",
- claim 34: "the vector (ID)", "the device identifier",
- claim 36 and 37: "the files",
- claim 38: "the use right"

- claim 42: "the m components", "the vector AC(x)".

Claims 26, 29-30 and 32-38 are rejected by virtue of their dependence.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

18. Claims 24, 25, 28-30 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by *Cooper et al. (U.S. Patent No. 5598470).*

19. As per claim 24 *Cooper et al. (5598470)* teach calculating a key *(k: real key)* with a device identification number *(ID: the machine identification or a product key)* for the computer system and a first scrambled code *(PIN: a customer key),* generating an identifier *(AC: encrypted validation text)* with the key (k) and the second scrambled code *(ACW: clear validation text)* for the file which is to be enabled; and enabling access to the file provided with the calculated identifier for use by the computer system *(col. 16 lines 27-53).*

20. Limitation of claim 25 is taught in col. 2 lines 32-34 and limitation of claim 26 in col. 16 lines 31-32 and 52-53.

21. As per claim 28 *Cooper et al.* teach directories *(Fig. 24).*

22. As per claim 30 *Cooper et al.* is implemented using computers.

23. As per claim 38 *Cooper* teach "timed" key *(col. 12 line 19).*

24. As best understood, the limitation of claim 37 is taught in col. 2 lines 32-34.

25. Claims 39-41 and 43-45 are rejected under 35 U.S.C. 102(b) as being anticipated by *Wehrenberg et al. (International Pub. No. WO 97/44736).*

26. As per claims 39-41 and 43-45 *Wehrenberg et al.* teaches a copy protection relevant to storage devices such as DVD and CD *(pg. 2 lines 28-32 and pg. 1 lines 30-34)* wherein data is encrypted form in a hierarchical file structure *(pg. 3 lines 10-20)* and wherein the files having an associated vector identifier that may be used to limit access *(SVE, pg. 10 lines 22-29, Fig. 2b).*

27. Claims 1-6, 8, 12, 18 are rejected under 35 U.S.C. 102(e) as being anticipated by *Brunts et al. (U.S. Patent No. 5887269).*

28. As per claim 1 *Brunts et al.* teach a computer system in an automotive vehicle *(col. 5 lines 51-60)* utilizing memory and a processor *(col. 3 line 57- col. 4 line 11)*, input *(objects 37, 16,18,20 etc., Fig. 2)* and output *(object 30, Fig. 2 and Fig. 4 objects 94, 96 etc.)* units and data authorization *(col. 7 lines 50-53).*

29. As per claims 2 and 3 *Brunts et al.* teach encrypted information *(col. 7 lines 52-57)* and decryption means for decrypting encrypted information *(claim 2 and Fig. 4 object 100).*

30. As per claims 4 and 6 *Brunts* et al. accessing authorized data information requiring a user inserting a memory card containing the data information into a memory card reader of navigation system. The authorization code is checked against the card data identification code before allowing the user accessing files *(col. 16 lines 13-39).*

31. As per claim 5 *Brunts et al.* teach that the identification code is encrypted *(col. 7 lines 52-55).*

32. As per claims 8 and 12 *Brunts et al.* teach a system identification number *(col. 3 lines 50-51).*

33. As per claim 18 *Brunts et al.* teach that the files are roadmap data *(destination related information, Absract).*

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

34. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Brunts et al. (U.S. Patent No. 5887269)* in view of *Deitel (H.M. Deitel, "Operating Systems", 2nd edition, 1990, ISBN: 0201180383).*

35. *Brunts et al.* teach the identifier as discussed above.

*Brunts et al.* do not teach m-dimensional access authorization identifier, where m is the number of files stored on the bulk storage medium.

*Dietel* teaches m-dimensional access authorization identifiers, where m is the number of files stored on the bulk storage medium *(Dietel, "Access Control Matrix" section and Fig. 13.7 pg. 400-401).* It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use m-dimensional access

authorization identifier, where m is the number of files stored on the bulk storage medium as taught by *Dietel.* One of ordinary skill in the art would have been motivated to perform such a modification in order to control access to each file.

36. Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Brunts et al. (U.S. Patent No. 5887269)* in view of *Dreifus (U.S. Patent No. 4575621).*

37. *Brunts et al.* teach the device identifier as discussed above. *Brunts et al.* does not explicitly teach that the device identifier can be automatically changed. *Dreifus* teaches the device identifier that can be changed *(Dreifus, col. 17 lines 39-41).* It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use a device identifier that can be changed automatically as taught by *Dreifus.* One of ordinary skill in the art would have been motivated to perform such a modification in order to increase security *(Dreifus, col. 17 lines 32-43).*

38. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Brunts et al. (U.S. Patent No. 5887269)* in view of *Jumes et al. (Jumes, Cooper, Chamoun and Feinman, "Microsoft Technical Reference, Microsoft Windows NT 4.0 Security, Audit and Control", 1999).*

39. As per claims 19 and 21 *Burnts et al. Brunts et al.* teach a mobile radio network communication *(GPS, Abstract).*

40. *Burnts et al.* do not explicitly teach a connection to a communication means which permits communication with a central station in which the user rights on the files are managed.

*Jumes et al.* teach a connection to a communication means that permits communication with a central station in which the user rights on the files are managed *(pg. 10 "Domain Controller" section and pg. 13, "Workstation" section)*.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a connection (such as a mobile radio network) to a communication means that permits communication with a central station in which the user rights on the files are managed as taught by *Jumes et al.* One of ordinary skill in the art would have been motivated to perform such a modification in order to provide stronger security control *(pg. 13, "Workstation" section)*.

41. As per claim 20 *Brunts et al.* do not teach the communication taking place via a short-haul radio link.

*O'Neill, Jr.* teaches communication taking place via a short-haul radio link *(Abstract)*.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to employ a short-haul radio link communication as taught by *O'Neill, Jr.* One of ordinary skill in the art would have been motivated to perform such a modification in order to take advantage of short-range, ad hoc networks *(Abstract)*.

42. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Brunts et al. (U.S. Patent No. 5887269)* in view of *Parnian et al. (U.S. Patent No. 6538623)*.

43. *Brunts et al.* teach the computer system as discussed above. *Brunts et al.* do not teach voice input means.

*Parnian et al.* teach voice input means *(Parnian et al., col. 9 lines 29-31).*

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include voice input means as taught by *Parnian et al.* into *Brunts et al's* invention. One of ordinary skill in the art would have been motivated to perform such a modification in order to minimize the use of hands *(Parnian et al., col. 4 lines 5-9).*

44. Claims 15-17 are rejected under 35 U.S.C. 103(a) unpatentable over *Brunts et al. (U.S. Patent No. 5887269)* in view of Official Notice.

45. *Brunts et al.* teach an optical bulk storage medium (CD-ROM) *(col. 4 lines 15-17).*

*Brunts et al.* do not teach the optical bulk storage medium *(CD-ROM)* being implemented in all embodiments. *Brunts et al.* also do not teach use of DVD as the bulk storage medium.

Official Notice is taken that it is old and well-known practice to use DVD as a bulk storage medium. One of ordinary skill in the art at the time of applicant's invention would have been motivated to enhance *Brunts et al.'s* preferred embodiment to include CD-ROM or DVD as bulk storage medium in order to increase amount of choices for data storage.

46. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Brunts et al. (U.S. Patent No. 5887269)* in view of *Shuman et al. (U.S. Patent No. 6161071).*

47. As per claim 23 *Brunts et al.* do not teach that the system is designed to receive and process traffic information.

*Shuman et al.* teach that the system is designed to receive and process traffic information *(Shuman et al., col. 20 lines 34-37).* It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to enhance *Brunts et al.'s* system by designing the system to receive and process traffic information as taught by *Shuman et al.* One of ordinary skill in the art would have been motivated to perform such a modification in order to select the most preferable route *(Shuman et al., col. 20 lines 37-41).*

48. Claims 27 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cooper et al. (U.S. Patent No. 5598470)* in view of Dreifus (U.S. Patent No. 4575621).

49. As per claim 27 *Cooper et al.* teach the device identifier as discussed above. *Cooper et al.* does not explicitly teach that the device identifier is changed whenever another file on the storage medium is newly enabled.

Dreifus teaches the device identifier that changed continuously (Dreifus, col. 17 lines 39-41). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to change the device identifier continuously as taught by Dreifus. One of ordinary skill in the art would have been motivated to perform such a modification in order to increase security (Dreifus, col. 17 lines 32-43).

50. Also, as per claim 34 *Cooper et al.* It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to change the vector for the device identifier by multiplying it by a change vector c, so that ID(i)=ID(i=1)*c is true after a file has been enabled for the i-th time. One of ordinary skill in the art would have

been motivated to perform such a modification in order to relate a new identifier to the old one.

51. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Cooper et al. (U.S. Patent No. 5598470)* in view of *Steinberg (U.S. Pub. No. 20030159042).*

52. *Cooper et al.* teach files as discussed above. *Cooper et al.* do not teach that the files contain application programs.

Steinberg teaches the files that contain application programs (Steinberg, Abstract and [0017]). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include the files that contain application programs as taught by Steinberg into *Cooper et al.'s* invention. One of ordinary skill in the art would have been motivated to perform such a modification in order to customize the invention for a particular user.

53. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cooper et al. (U.S. Patent No. 5598470)* in view of *Keller (Robert M. Keller, "Complexity", http://www.cs.hmc.edu/claremont/keller/webBook/ch11/).*

54. *Cooper et al.* teach the key and the identifier (AC) as discussed above.

*Cooper et al.* do not teach an identifier (AC) having *m* components a(1), a(2), a(3) that are used to determine the position of a file D(x) in the hierarchical file structure such that all the components of the identifier (AC(x)) which are allocated to files on which the file D(x) is hierarchically dependent take a first value, while all the remaining components, which are allocated to files on which the file D(x) is not hierarchically dependent, take a second value.

*Keller* teach an identifier having *m* components a(1), a(2), a(3) that are used to determine the position of a file D(x) in the hierarchical file structure such that all the components of the identifier (AC(x)) which are allocated to files on which the file D(x) is hierarchically dependent take a first value, while all the remaining components, which are allocated to files on which the file D(x) is not hierarchically dependent, take a second value *(Keller, "Binary Search Trees" and "Bit Vectors" sections)*.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use in *Cooper et al.'s* invention an identifier having *m* components a(1), a(2), a(3) that are used to determine the position of a file D(x) in the hierarchical file structure such that all the components of the identifier (AC(x)) which are allocated to files on which the file D(x) is hierarchically dependent take a first value, while all the remaining components, which are allocated to files on which the file D(x) is not hierarchically dependent, take a second value. One of ordinary skill in the art would have been motivated to perform such a modification in order to increase speed of the file D(x) retrieval *(Keller, "Bit Vectors" sections)*.

55. Claims 1, 10, 11, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cooper et al. (U.S. Patent No. 5598470)* in view of *Kashiwazaki et al. (U.S. Patent No. 4891760)*.

56. As per claims 35 and 36 *Cooper et al.* teach a method for enabling access to files as discussed above.

*Cooper et al.* do not teach generating information in a motor vehicle navigation system, wherein the files contain roadmap data.

*Kashiwazaki et al.* teach generating information in a motor vehicle navigation system, wherein the files contain roadmap data *(Kashiwazaki, col. 3 lines 36-51).*

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement access control as taught by *Cooper et al.* into *Kashiwazaki et al.'s* invention. One of ordinary skill in the art would have been motivated to perform such a modification in order to distribute products of interest to owners of motor vehicle navigation system owners while preventing product piracy *(col.1 line 35-col.2 line 9).*

57. Claim 1, 10 and 11 are substantially equivalent to claim 35; therefore claims 1, 10 and 11 are similarly rejected.

58. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Wehrenberg et al. (International Pub. No. WO 97/44736)* in view of *Keller (Robert M. Keller, "Complexity", http://www.cs.hmc.edu/claremont/keller/webBook/ch11/).*

59. *Wehrenberg et al.* teach the storage medium and the vector as discussed above.

*Wehrenberg et al.* do not teach a storage mediums that have *m* components a(1), a(2), a(3) of the vector AC(x) that are used to characterize a position of a file D(x) in the hierarchical file structure such that all the components of the vector AC(x) which are allocated to files on which the file D(x) is hierarchically dependent take a first value, while all the remaining components, which are allocated to files on which the file D(x) is not hierarchically dependent, take a second value.

*Keller* teach *m* components a(1), a(2), a(3) of the vector AC(x) that are used to characterize a position of a file D(x) in the hierarchical file structure such that all the

components of the vector AC(x) which are allocated to files on which the file D(x) is hierarchically dependent take a first value, while all the remaining components, which are allocated to files on which the file D(x) is not hierarchically dependent, take a second value *(Keller, "Binary Search Trees" and "Bit Vectors" sections)*.

60. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement in *Wehrenberg et al.'s* invention *m* components a(1), a(2), a(3) of the vector AC(x) that are used to characterize a position of a file D(x) in the hierarchical file structure such that all the components of the vector AC(x) which are allocated to files on which the file D(x) is hierarchically dependent take a first value, while all the remaining components, which are allocated to files on which the file D(x) is not hierarchically dependent, take a second value as taught by *Keller.* One of ordinary skill in the art would have been motivated to perform such a modification in order to increase speed of the file D(x) retrieval *(Keller, "Bit Vectors" sections)*.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571)272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Signature*

2/17/05

*Date*

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